

UNITED STATES MARINE CORPS
NORTHERN JUDICIAL CIRCUIT

UNITED STATES)	SPECIAL COURT-MARTIAL
)	
v.)	
)	DEFENSE PROPOSED VOIR DIRE
MARINA D. LOPEZ)	
STAFF SERGEANT)	
U.S. MARINE CORPS)	26 July 2011

The defense proposes the following *en banc* questions:

The law, Burden, and Presumption of Innocence:

1. Have you ever participated as a member in a Court martial?
2. Have you ever served as a juror in a civilian court case?
3. Have you ever served as an executive officer of a unit?
4. Have you ever served in a capacity where you could refer Marines to Courts- martial?
5. Have you ever been the victim of a crime?
6. Have you ever worked in a recruit or officer training unit such as boot camp, OCS or TBS?
7. Have you ever been accused of a crime? (Individual voir dire)
8. How does the fact that SSgt Lopez is charged with violations of the UCMJ affect your presumption of her guilt or innocence?
9. Do any of you have an opinion about the presumption of guilt or innocence in this case?
10. Do all the members agree that the burden will always be on the government to prove every element of every charge and specification beyond a reasonable doubt?
11. Do you believe that innocent people may be wrongfully convicted?
12. Is it important for you to hear from the accused?
13. Do you believe that SSgt Lopez should have to prove her innocence to you?
14. The government, according to the law, has the duty to prove their accusations. Do you believe that this is a fair or unfair duty?

15. The government has a duty, under the law, to prove their accusations at a very high level, called beyond a reasonable doubt; do you believe that it is unfair to require this level of proof?
16. Do you have any experience in applying the reasonable doubt standard to a set of facts?
17. You are going to get some instructions from the judge about something called good military character. Do any of you feel that character can never be relevant in deciding guilt or innocence?

The Charges, personal views and biases:

18. Have any of you ever received or heard an order that sounded vague?
19. Do you have an opinion about an OCS staff officer's roles and responsibilities?
20. Have any of you ever received a command that was later countermanded by the conduct of person who issued it?
21. Do any of you believe that a junior Marine must insist on a certain course of conduct even when officers senior to that Marine are present and observing conduct that may not be lawful or proper?
22. Do any of you have an opinion or knowledge as to whether Drill or Sergeant Instructors often establish self imposed quotas for graduating Marines even if the command does not establish a quota?
23. Do any of you feel that drill or sergeant instructors must be punished when they sometimes violate regulations even when there is a good faith effort to do the right thing in helping candidates succeed in becoming Marines?
24. Do any of you have a definition for hazing?
25. Do any of you feel strongly about profanity
26. Would you please define profanity?
27. Do any of you have an opinion about the minimum amount of time an officer candidate should be allowed to have for hygiene?
28. The Government is alleging that certain words were spoken by SSgt Lopez such as: billy stupid, idiots, retarded, Ms. Cheeseburger, greasy cheeseburger, weak ass females, piece of shit, piece of garbage, fucking weirdo, worthless piece of crap, fat face, fuck up, pathetic, disgusting, that typical female, Zepol. SSgt Lopez will admit to certain of these words. As you sit here today do you feel that because the government alleged these words SSgt Lopez must be guilty?
29. Do you agree to sit here and listen to the evidence and to weigh all the facts before making a decision?

Members

30. Do all members understand that every member's vote is equal to the vote of every other member regardless of rank?
31. Do all members agree that in the Marine Corps Marines junior in rank must obey those senior to them?
32. How will the junior members of this panel ensure that their votes are not affected by the desires or decisions of the senior members of the panel?
33. Do any members know the convening authority Col Jackson?
34. Have any of you discussed this case with the convening authority?
35. Have any of you heard the convening authority discuss military justice in general?
36. Do any of you feel the convening authority expects or anticipates a conviction in this case?
37. Do any of you feel the convening authority will be displeased if there is not a conviction?

Media and information about the case

38. Have any members seen or heard anything in relation to the charges in this case prior to today?
39. Has anyone discussed this case with you?

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CERTIFICATE OF SERVICE

I hereby certify that on July 26, 2011, I electronically filed the foregoing paper with the Court and served copies upon trial counsel in this case.

/S/ Haytham Faraj
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